

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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**FRED EHRLICH,**

Plaintiff,

**AFFIDAVIT**

-against-

07 CV 11597 (SCG)

**ALFRED A. GATTA**, as the Village Manager of Scarsdale,  
**WALTER J. HANDELMAN** as the Mayor of Scarsdale,  
**JOHN A. BROGAN** as Scarsdale Police Chief, and the  
**VILLAGE AND TOWN OF SCARSDALE,**

Defendants.

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DANIEL J. SARNOFF, being duly sworn, deposes and says:

1 I am employed by the Village of Scarsdale as an Assistant to the Village Manager and have been employed in that capacity since October 2001. My duties as an Assistant Village Manager include management and supervision of the Village's parking facilities and programs

2. The Village operates a number of parking facilities or lots in the vicinity of the rail station.

3. The Freightway Garage is an approximately 450-space car garage located off Garth Road in the Village of Scarsdale. The garage is approximately 300 feet away from the Scarsdale Train station located on Depot Place.

4. In order to access the in-bound platform (southbound to New York City) from the Freightway Garage area, an individual can access a stairwell located at the northeast corner of the Freightway Open Lot (located in front of the garage). This stairwell leads to the south side of the Popham Road Bridge. The individual can cross Popham Road at

a crosswalk located at the intersection with Scarsdale Avenue and East Parkway and access a stairwell leading to the north bound platform. A second means of access is for an individual to walk west from Freightway Place and then north on Garth Road. At the intersection of Garth Road and Popham Road, an individual can continue north through the intersection and access Depot Place. From Depot Place, the in-bound platform is located approximately 75 feet to the east

5. The Freightway Garage was renovated in 2002. At that time, I took over management of the parking program in Scarsdale. It was originally intended that after the completion of the renovations to the Garage, the Freightway open lot, located adjacent to the Garage would also be renovated and a provision for handicap parking would be made (two spaces). However, a competing project, the renovation of the Popham Road Bridge, and its planned use of the open lot as a staging area forced the Village to delay that renovation. Due to delays beyond the Village's control, the project has not yet commenced.

6. After receiving inquiries as to the provision of handicap parking at the Freightway Garage, one (1) space was installed in the open lot located in the southern portion on the east side of a double row of parking. This was coordinated through the Department of Public Works' Engineering and Highway divisions.

7. In 2004/2005, I researched the topic and received information from the Building Inspector which indicated that the appropriate number of spaces for the garage was eight (8) handicapped spaces.

8. Given this requirement, I again coordinated through the Department of Public Works' Highway and Engineering divisions for the installation of eight (8) handicap

parking spaces. The spaces were installed on level 1A of the Freightway Garage. Level 1A is located on the east side of the garage adjacent to the railroad tracks. This location was chosen because it is flat and was considered the safest area for handicapped individuals.

9. In August of 2006, pursuant to a Purchase, Sale and Development Agreement between the Village of Scarsdale and the Ginsburg Development Corporation, a private valet parking operation formerly located at Christie Place was closed. In order to provide parking for these displaced individuals, the Village developed a temporary parking plan which included the licensing of the Freightway Open Lot and a portion of the Freightway Garage, Level 1A, to a private valet operator. This was done because under our self-park operation, the Village accommodated approximately 120 vehicles in this area. It is estimated that the valet operator accommodates approximately 200 vehicles in this area. Because the area was licensed to a private operator, the handicap spaces located in this area were eliminated.

10 In response to several comments from Freightway Garage permit holders who were also handicap permit holders, the Village looked at additional locations for handicap parking permits. Given the slope of the parking decks in the other areas of the garage, it was determined that a sufficient number of parking spaces could not adequately be provided at this location. Additionally, the professional staff was of the opinion that the provision of handicap parking for Freightway Garage permit holders would be more convenient if they were placed located closer to the in-bound platform

11. As a result, in late 2006/early 2007 it was determined that an additional five (5) spaces located adjacent to the station building on Depot Place, which were allocated

for 12-hour parking, would be reprogrammed for Freightway Garage Permit Parking. Again, this work was coordinated through the Department of Public Works' Engineering and Highway Division.

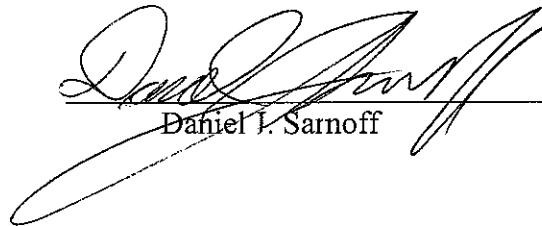
12. After a few months, I reviewed the allocation and agreed that additional spaces were required. As such, I again met with the Engineering Division in Spring/summer 2007 and agreed that two (2) additional spaces would be located at the Freightway Garage, Level 1B, the northernmost two spaces located on the west side of level 1B, where the grade was the least severe. This increased the overall provision of spaces to seven (7), consisting of five handicapped parking spaces at Depot Place and two at the Freightway garage.

13. In early/mid December, 2007, I, along with Village Attorney Essanason, reviewed the allocation of handicap parking spaces and agreed that at least one (1) additional space was required and directed that the Public Works' Department to install two additional spaces on Depot place (two spaces located immediately north of the station building be added). This order was relayed to the Highway Division. After a few weeks, the work had not yet been completed. In order to remedy this, a new work order was entered by the Deputy Superintendent of Public Works to install the two spaces which had not yet been installed. The work was eventually completed in January 2008.

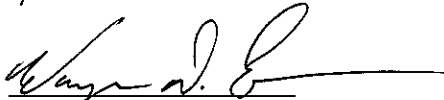
14. As a result, the Village provides nine handicapped parking spaces for the 450-space Freightway Garage and 12 space Depot Place parking area. The number of spaces provided complies with the mandate of the New York State Uniform Fire Prevention and Building Code. The handicapped parking spaces are placed in a manner that comply with

the ADA and provide the most easily accessible parking for those in need of handicapped parking for Freightway Garage permit holders.

15. I would note that I have received complaints from non-handicapped commuters requesting that the handicapped spaces at the train station be made available to non-handicapped commuters because most of the handicapped spaces at the train station usually remain unused. No change has or will be made to reduce the number of parking spaces below that required by the New York State Uniform Fire Prevention and Building Code.

  
Daniel I. Sarnoff

Sworn to before me this  
19<sup>th</sup> day of June, 2007

  
Notary Public

**WAYNE D. ESANNASON**  
Notary Public, State of New York  
No. 02ES6014947  
Qualified in Rockland County  
My Commission Expires January 22, 2011